

HOUSE No. 4521

The Commonwealth of Massachusetts

By Mr. Walsh of Lynn, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1467 and House, No. 2977, a Bill relative to state trademarks (House, No. 4521). February 23, 2010.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act RELATIVE TO STATE TRADEMARKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 3 of chapter 110H of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:—

(e) The application shall be accompanied by 1 specimen showing the mark as actually used.

SECTION 2. Said chapter 110H is hereby further amended by adding the following section:—

Section 18. The intent of this chapter is to provide a system of state trademark registration and protection substantially consistent with the federal system of trademark registration and protection under the Trademark Act of 1946, as amended. To that end, the construction given the federal act should be examined as persuasive authority for interpreting and construing this chapter to the extent of the consistency in the language.

SECTION 3. Subsection (b) of section 4.01 of chapter 156D of the General Laws, as appearing in the 2008 Official Edition, as amended by section 3 of chapter 195 of the acts of 2006, is hereby further amended by striking out clause (6) and inserting in place thereof the following clause:—

(6) a trademark or service mark registered with the secretary of state under chapter 110B or 110H.

SECTION 4. Subsection (b) of section 15.06 of said chapter 156D, as amended by section 4 of said chapter 195, is hereby further amended by striking out clause (6) and inserting in place thereof the following clause:—

19 (6) a trademark or service mark registered with the secretary of state under chapter 110B or
20 110H.